

DEPARTMENT OF HEALTH SERVICES

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January 3, 1991
CMSP Letter #91-1

TO: All County Medical Services Program (CMSP)
County Welfare Directors

SUBJECT: IMPACT OF SNEEDE V. KIZER ON THE CMSP

This letter defines the impact of the Sneede v. Kizer lawsuit on the CMSP. Though not a party to the lawsuit, the CMSP will partially adopt the interim procedures set forth in Medi-Cal All County Welfare Directors Letter 90-91 (October 11, 1990). Counties should apply the procedures only in combination CMSP/Medi-Cal cases where the Medi-Cal eligibility determination requires the use of interim Sneede v. Kizer procedures. Any resulting conclusions regarding property eligibility and/or Share of Cost for the CMSP person(s) in the case will be accepted as final. Sneede v. Kizer procedures are not applicable and must not be used in any other CMSP case.

BACKGROUND

Recently, a United States District Court has ruled in Sneede v. Kizer that Medi-Cal regulations governing Medi-Cal Family Budget Unit (MFBU) composition violate federal law. Federal law limits financing responsibility for medical care to parent-for-child and spouse-for-spouse. This means that the income and property of a parent or spouse may only be used in determining Medi-Cal eligibility and Share of Cost for himself/herself, his/her spouse, and/or natural or adopted child/children.

Under the court's order, family budget unit composition rules must ensure that:

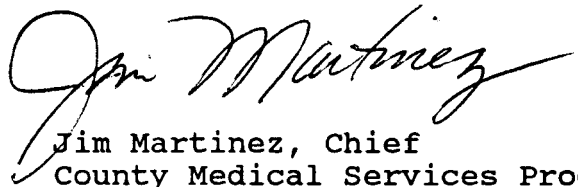
- o A stepparent's income and property are not considered available to his/her spouse's separate children;
- o An unmarried couple's income and property are not considered available to each other nor to their separate children;
- o A child's own income and property are not considered available to anyone but him/her; and
- o A caretaker relative's income and property are not considered available to anyone but him/her.

IMPLEMENTATION

These changes were effective immediately but will be implemented starting February 1, 1991. Counties should contact the Medi-Cal Eligibility Branch with any questions regarding the Sneede v. Kizer interim procedures.

Any questions regarding this change as it relates to CMSP should be directed to Mr. Al Cooper, at (916) 739-3141.

Sincerely,



Jim Martinez, Chief
County Medical Services Program

cc: Mr. Al Cooper
County Medical Services Program
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CMSP Contact Persons